



Date Mailed: August 22, 2025
Docket No.: 25-016607
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED] MI [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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Case No.: [REDACTED]

Petitioner: [REDACTED]

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a hearing was held by telephone on July 24, 2025. Petitioner appeared and was represented by his Authorized Hearing Representative (AHR) and son, [REDACTED] (HZ). The Department of Health and Human Services (Department) was represented by Marcella Towns, Assistance Payments Worker and Hearing Coordinator. Petitioner's son, Hassan Bilal (HS), was also present and sworn in as a witness.

ISSUE

Did the Department properly deny Petitioner Medicare Savings Program (MSP) assistance due to excess assets?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is a [REDACTED] year old, married, Medicare recipient and a tax dependent of HZ. (Exhibit B, pp. 1 – 7).
2. On March 1, 2025, the Department obtained an asset detection report regarding Petitioner. The report reflected four potential bank accounts jointly owned by Petitioner, with individual balances as of January 1, 2025, the most recent month reported, of \$ [REDACTED], \$ [REDACTED], \$ [REDACTED], and \$ [REDACTED]. (Exhibit A, pp. 6 – 8).
3. On [REDACTED] 2025, the Department received an application for MA from Petitioner for himself and his spouse, [REDACTED] (Spouse); and MSP assistance for Petitioner. There was no asset section on the application. (Exhibit B, pp. 1 – 7).
4. On April 16, 2025, the Department sent Petitioner a Health Care Coverage Determination Notice (HCCDN) that denied Petitioner MSP assistance due to excess assets. (Exhibit A, pp. 9 – 10).

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5. On April 29, 2025, the Department received a request for hearing from Petitioner, disputing the Department's denial of his application for MSP assistance. (Exhibit A, pp. 3 – 5).
 6. On May 6, 2025, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's checking and savings accounts by May 16, 2025. The VCL did not identify specific financial institutions or account numbers. (Exhibit A, pp. 12 – 13).

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner requested a hearing to dispute denial of his application for MSP assistance. The Department denied Petitioner MSP assistance due to excess assets.

Medicare Savings Programs (MSP) are SSI-related MA categories. BEM 165 (July 2024), p. 1. SSI-related MA programs have an asset test and as part of the Department's obligation to thoroughly review all eligibility factors in a case, it is required to consider a client's countable assets when determining eligibility for those categories. BAM 105 (April 2025), p. 17; BEM 400 (March 2025), pp. 1, 6 – 7. For purposes of SSI-related MA, countable assets include cash and funds in bank accounts and, unless the client's self-attested value of the asset exceeds the asset limit, must be verified at application, redetermination, and when a change is reported. BEM 400, pp. 16, 62. However, when the client has jointly owned cash and funds in bank accounts and claims and verifies ownership of less than the whole amount, the countable amount is limited to the amount the client owns. BEM 400, p. 13.

For MSP, the value of countable assets cannot exceed the applicable asset limit, which was \$14,470 for an asset group of two, such as Petitioner. BEM 165 (July 2024), p. 8; BEM 211 (October 2023), p. 8; BEM 400, pp. 3, 8. Asset eligibility exists when the asset group's countable assets are less than, or equal to, the applicable asset limit at least one day during the month being tested. BEM 400, p. 6.

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To obtain verifications, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2024), p. 3. For MA, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested, and if the client cannot provide the verification despite a reasonable effort, the time limit may be extended up to two times upon request of the client. BAM 130, p. 8. If the client refuses to provide a verification, or the time period given has elapsed, the Department sends a HCCDN to notify the client that MA has been denied or terminated. BAM 130, pp. 8 – 9. However, before it determines eligibility, the Department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 9.

In this case, there was no dispute that Petitioner is a married individual; and as such, Petitioner's applicable asset limit for MSP assistance was \$14,470. There was no evidence that Petitioner had potentially countable assets in excess of \$14,470 when the Department determined his eligibility for MSP assistance. There was also no evidence that the Department requested verification from Petitioner before it concluded he was ineligible for MSP assistance due to excess assets. Therefore, the Department failed to establish that Petitioner had countable assets in excess of the applicable asset limit for his asset group; and failed to act in accordance with Department policy when it denied Petitioner MSP assistance without requesting verification of his assets.

DECISION AND ORDER

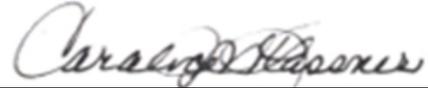
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner MSP assistance due to excess assets.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for MSP assistance effective April 1, 2025;
2. If eligible, provide Petitioner with the most beneficial MSP assistance he is eligible to receive from April 1, 2025 ongoing; and

3. Notify Petitioner of its decision in writing.



CARALYCE M. LASSNER
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.



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